



Public Assistance Recovery Program

FEMA PA 101

Agenda

- FEMA Public Assistance (PA) Program
- Eligibility and Project Documentation
- Contracting and Procurement
- Time extensions on projects, Improved and Alternate Projects
- Closeouts and Project Completion Certification Reports



FEMA Public Assistance Program

- The FEMA Public Assistance (PA) Program is a reimbursement program that provides grant funding to eligible sub-recipients (applicants) for eligible restoration of community infrastructure with specific eligibility requirements.
- Need a minimum of **\$1,138,246** (**\$1.77** x 643,077 Vermonters) in statewide damages to qualify. Each county within the State also has a threshold to meet based on capita. County threshold increases to **\$4.44/Capita**.
- The FEMA share of eligible costs will be awarded to the State “grantee” for disbursement to the Applicants “sub grantees”.



FEMA



November 21, 2022

COST

WORK

FACILITY

APPLICANT



What determines your eligibility?

Must be in declared county and one of the following:

- State government agency (VTrans, Vtrans Rail, VEM, ..)
- Local government (city, village, township, etc.)
- **Critical Private Non-Profit (PNP)** Include: Nursing Homes, Laboratories, Rehab Centers that provide Medical Care, Hospitals and Emergency Care facilities, Fire/Rescue Emergency Services and Education facilities.



FEMA



November 21, 2022

COST

WORK

FACILITY

APPLICANT

What else determines Eligibility?



- Must be eligible applicant with damaged facility (road, bridge, equipment) that was damaged during the declared incident period. An applicant must have a minimum of **\$3,800** of eligible costs (FY 2023) per damaged site.
- Damaged facility must be the Legal responsibility of Applicant to maintain. Must show proof of maintenance. The facility must be in use at time of disaster. (ie. Not a building unoccupied even if you own it.)
- Costs to repair can not be covered by another Federal program and must be reasonable.



FEMA



November 21, 2022



Eligible Work Categories:

1. Emergency Work- quick work to get road open/safe

FEMA Category A and Category B

Category A- Debris removal. ONLY Eligible when **in the public right of way** and necessary to: Eliminate an immediate threat to life, public health and safety; or eliminate an immediate threat of significant damage to improved property; or ensure the economic recovery of the affected community.

Category B- Temporary and Emergency Work. Quick temporary opening of roadway, sandbagging.

2. Permanent Work – work to restore fully back to pre-disaster

Categories C-G

Cost reasonable repairs with proper permits using properly procured contracts and/or force account labor on roads, culverts and bridges, water control facilities, buildings and equipment repairs after insurance deductions, utilities, and parks, recreation and public cemeteries.



FEMA



November 21, 2022

What goes into a Project?



Information Required for the Worksheet:

- A description of the damage dimensions and repair activities including when, where, and who conducted the work repairs.
- A summary of how much the repairs cost including invoices and proof of payment.
- Supporting documentation or certification of certain conditions including compliance with applicable federal, State, tribal, territorial, and local laws and regulations pertaining to insurance, contracts, and environmental and historic preservation.

Grants Portal

Sign in to Your Account

USERNAME [Forgot your username?](#)

PASSWORD [Forgot your password?](#)

SIGN IN

[Register Your Organization and Request Public Assistance](#)



Project Documentation

- **EQUIPMENT:** List of Equipment make/model, size, name of driver, location operated and work performed. FEMA cost codes are online. Must be assigned a driver to claim hours. Stand by time not eligible.
- **MATERIALS:** Invoices and/or historical area vendor quotes for materials used on eligible work.
- **LABOR:** Time cards, fringe benefits, list of personnel and job title and hourly wage, daily logs, and pay policy
- **CONTRACTS:** Newspaper clippings, Requests for Proposals, signed agreements, work orders/changes, invoices, how procured.
- **MUTUAL AID:** Mutual Aid can be used for Category A (Debris Removal) and Category B (Emergency Protective Measures).
- **REQUIRED IN PORTAL:** Town insurance, pay policy, procurement policy, codes and standards
- **PERMITS:** Remember in-stream permits. Confer with ANR River Engineer, USACE
- **MAINTENANCE RECORDS:** Proof you maintain the damaged property regularly.



Administrative Costs- Cat Z projects

- Costs related to managing your projects and documentation.
- Actual costs only and must be fully documented with labor time cards, pay rate and description of work performed.
 - Example: Savannah worked on 4/1/20 for 4 hours at hourly pay rate including fringe of \$24/hour to put documentation into the FEMA grants portal.
 - These projects are capped at 5% of the total of all your projects but funded 100% of actual costs. They will be written as an estimate, but will only be paid for actual documented costs when all other projects are closed. You will need to submit a project closeout package unless this project is written at 100% by FEMA in advance.



FEMA

What is allowed in Admin Costs (Cat Z projects)?

Does not include cost for actual work to complete a project such as engineering. It does include costs to manage projects ADMINISTRATIVELY.

Eligible costs may include:

- Site visits- showing FEMA/State the site
- Gathering cost documentation- working with contractor/engineer/State/FEMA
- Project scope development- time working with FEMA/State on developing project
- Project reporting- quarterly reporting
- Project closeout- Putting together the closeout package.
- Applicant briefing and PDA/IDA activities



FEMA

Procurement of Contractual Services

- State, local and federal procurement rules. Federal rules are found at 2 CFR 215.
- If the work is **over \$250K**, it **MUST** be competitively bid. Engineering must also be put out to bid.
- No sole source contracts. Procurement transactions must allow for *full and open competition* (with some minor exceptions allowed in emergency circumstances). This includes 2 C.F.R. requirements regarding small businesses, woman- and minority-owned businesses.
- Contracts must be reasonable and necessary. (**OMB Circular A-87 and CFR Part 13**)
- For projects less than \$250,000, price quotes must be obtained from a minimum of **3 (three) qualified** sources. Documentation required.
- ACCD's Procurement Technical Assistance Program (PTAC) can disseminate Request for proposals and bid advertisements for towns.
- Vermont's **Procurement Technical Assistance Center (ptac.vermont.gov)** is a good way to demonstrate effort to comply with 2 C.F.R. procurement requirements getting it out for FULL and open competition. Here is a link where we encourage towns to sign up for the Vermont Business Assistance Network: <http://www.vermontbidsystem.com/> which can assist in the process.



FEMA



November 21, 2022

Procurement



A town must have written procedures for procurement (a procurement policy), which must ensure the solicitations provide for at least the following (2 C.F.R. §200.319(c)):

- Awards to Responsible Contractors: Check with SAM.GOV for debarred or suspended contractors
- A town must maintain records of the procurement, rationale for the method of procurement; selection of contract type; contractor selection; and the basis for the contract price (2 C.F.R. §200.318(i))
- Applicants' request for proposals/bids should provide a clear and definitive scope of work and monitoring requirements, Applicant should obtain from bidders their proof of insurance and bonding and copies of licenses, references and financial records.
- If you have existing contracts in place when an event occurs, FEMA may accept work performed by that contractor during the defined emergency period. However, for any work over \$250k you must stop to put it out through competitive bidding!
- A town must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 C.F.R. §200.321)



FEMA

Types of Contracts

- Lump Sum: Contract for work within a prescribed boundary with a clearly defined scope of work and a total price.
- Unit Price: Contract for work done on an item-by-item basis with cost determined per unit (preferred method).
- Cost Plus Fixed Fee: Either a lump sum or unit price contract with fixed contractor fee added into the price.

AVOID THESE CONTRACTS!!

- Time and Material Contract: **These should be avoided!** They may only be allowed for work that is necessary immediately after the disaster has occurred when a clear scope of work cannot be developed and the work will not exceed 70 hours. This type of contract must be monitored to insure the cost ceiling or “not to exceed” provision in the contract is honored by the contractor.

TIME LIMITS (Period of performance POP dates)
Begin on the disaster declaration date



Emergency work must be completed within – **6 months**

Permanent work must be completed within – **18 months**

For extenuating circumstances or project delays beyond your control, the State has authority to extend the emergency work deadline an additional 6 months and the permanent work deadline an additional 30 months on a project by project basis.

Applicants must submit a Time Extension request to the State before the Period of Performance runs out.



FEMA

Flexibility to rebuild better/stronger/more resilient...

1. Improved Projects

- Must be approved PRIOR to construction
- Improvements are any components that increase the size, capacity, or add additional functions
- Applicants must fill out a request form for an Improved project and submit with a letter from the Town to the State for FEMA's approval.

2. Alternate Projects

- Must be approved PRIOR to construction
- Applicants must fill out a request form for an Alternate project along with all necessary documentation of the new project, and submit with a letter from the Town to the State for FEMA's approval.



Small vs. Large Projects

- SMALL- Small projects are any projects less than \$1 million dollars. Paid by the State at 75% share. Closeout documents are required to be submitted to the State for any small projects over **\$250k**.
- LARGE- Large projects are any projects at or more than \$1 million dollars. Large are paid by the State at 75% share only after FEMA has closed them. Projects at \$1million+ FULL Closeout documents are required to be submitted to the State to review who then send to FEMA.
- The ERAF state share on all projects is only paid when all construction work is completed and all projects are closed.



FEMA



November 21, 2022



What is a Closeout?

- The Closeout process is to finalize the disaster cycle by determining the actual costs of completed large projects (\$1million+, Cat Z administrative projects, and State review of small projects over \$250k.
- All LARGE projects may be written by FEMA using an estimate and can only be closed based on actuals through a full closeout package. Some Cat Z's are written as estimates and must also be closed through this process.
- The closeout process is initiated by the Applicant, performed by the State, and reviewed and approved by FEMA. Large Projects are those projects totaling **\$1million and over for any new unobligated projects.**



FEMA



Large Project Requirements

Before a Close-out

- Applicants **MUST** submit a quarterly report to the State Public Assistance Officer (PAO) Kimberly Canarecci (by January 15, April 15, July 15, and October 15) for **all large projects and Category Z Administrative projects** that are not yet closed out. This quarterly report is called the Quarterly Large Project Progress Report . This is a grant requirement until you submit your closeout package to the State and indicates your % completed, amount spent to date and any drawdown funds received.
- Review and compile your documents as you complete work on the project according to the online **FEMA Project Documentation Closeout Checklist.**



FEMA

Large Project Requirements

Preparing for your Closeout...

- Applicants can use the Closeout FEMA Template (labor, equipment, material and contract sheets) to document **Actual** costs. If actual costs will be or are **greater than 10%** of the FEMA approved project must notify the State **immediately** before construction is completed.
- Your Vtrans District Technician will verify work is completed and sign off on the PCCR (Project completion and certification report). Town should Include **COMPLETED** photos, sign PCCR and include \$ amount the large was completed for and date it was completed.
- The applicant is required to submit all documentation back up in the closeout package with a cover letter. Closeout package should include all information on the checklist such as all bids received, the RFP, permits, contracts, invoices and proof of payment. This package will be reviewed by the State before the State forwards to FEMA.
- Subrecipients can request payments from Finance Office **for up to 75% of the federal share** on large projects before closeout if needed. *Include a letter asking for a drawdown if needed and include invoices and proof of payment to the finance office.*



FEMA



PCCR

(Project Completion and Certification Reports)

- To formally close out ALL small and large projects, a Project Completion and Certification Report must be sent in.
- Vtrans District Rep or State PAC must verify work was done according to the scope of work in your project for all work not 100% completed when grant was written. The Town must also sign off on these reports.
- For all work 100% completed when written, town and your State PAC will sign the report.
- Date the project was completed and the amount it was completed for must be filled in.

PCCR SAMPLE

**Federal Emergency Management Agency
Project Completion and Certification Report (P.4)
Disaster: FEMA-4532-DR-VT**

Applicant FIPS ID: 019-xxxxxx **Applicant/Subdivision Name:** xxxx (TOWN OF)

<u>PW #</u>	<u>Amendment #</u>	<u>Approved Proj. Amt.</u>	<u>Cost Share</u>	<u>Cat</u>	<u>Bundle</u>	<u>Work Done By</u>	<u>Project ed Compl. Date</u>	<u>% Comp L at Insp.</u>	<u>Elig Amount</u>	<u>Actual Date Completed</u>	<u>Amt. Claimed by Applicant</u>	<u>Comments</u>	
PA-01-VT-4532-PW-00xx	1	\$0.00	Y	B	PA-01-VT-4532-PW-xx	—	04-08-2024	90	\$0.00	NA	\$ NA	—	
	0	\$3,849.12	N	B	PA-01-VT-4532-PW-xx)	—	04-08-2024	90	\$3,849.12	4/8/22	\$ 3,849.12	—	
Total for 2 PWs:		\$3,849.12										\$ _____	
Subgrantee Admin:		\$0.00											
Grand Total:		\$3,849.12											

I certify that, to the best of my knowledge, all work and costs claimed are eligible and accurate in accordance with the State of Vermont subgrant, and all referenced project worksheets. I further certify that I am a representative of the listed applicant, and am authorized to sign this report on their behalf.

I certify that, to the best of my knowledge, the approved work has been completed in accordance with the State of Vermont subgrant agreement, and all referenced project worksheets.

Date & Signature of Applicant's Authorized Representative

Date & Signature of Grantee Inspector



FEMA



Public Assistance Program sites

Program Management and Policy Guide.

<https://www.fema.gov/assistance/public/policy-guidance-fact-sheets>

VEM Public Assistance website.

<https://vem.vermont.gov/funding/pa>



FEMA



November 21, 2022

Questions?



Kimberly Canarecci
Public Assistance Officer
Kim.Canarecci@vermont.gov



FEMA

November 21, 2022